

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF OKLAHOMA**

DAVEY JOE SUTTON, )  
Petitioner, )  
v. ) **No. CIV 08-134-JHP-KEW**  
DEPARTMENT OF CORRECTIONS, )  
Respondent. )

**OPINION AND ORDER**  
**DENYING CERTIFICATE OF APPEALABILITY**

Petitioner has filed a notice of intent to appeal the court's denial of his petition for a writ of habeas corpus. After a careful review of the record, the court concludes petitioner has failed to make a "substantial showing of the denial of a constitutional right," as required by 28 U.S.C. § 2253(c)(2). The court further finds that petitioner has not "demonstrate[d] that reasonable jurists would find [this] court's assessment of the constitutional claims debatable or wrong." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

ACCORDINGLY, petitioner is denied a certificate of appealability.

**IT IS SO ORDERED** this 23rd day of August 2011.

  
James H. Payne  
United States District Judge  
Eastern District of Oklahoma